

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's Proposed Policies and Programs Governing post-2003 Low-Income Assistance Programs.	Rulemaking 04-01-006 (Filed January 8, 2004)
In the Matter of the Application of PACIFICORP for Approval of 2005 Low-Income Assistance Program Budgets.	Application 04-06-038 (File June 30, 2004)
In the Matter of the Application of Southwest Gas Corporation (U 905 G) for Approval of Program Year 2005 Low-Income Assistance Program Budgets.	Application 04-07-002 (Filed July 1, 2004)
Application of Southern California Gas Company (U 904 G) for Approval of Program Year 2005 Low-Income Assistance Programs and Funding.	Application 04-07-010 (Filed July 1, 2004)
Application of San Diego Gas & Electric Company (U 902 M) for Approval of Program Year 2005 Low-Income Assistance Programs and Funding.	Application 04-07-011 (Filed July 1, 2004)
Southern California Edison Company's (U 338-E) Application Regarding Low-Income Assistance Programs for Program Year 2005.	Application 04-07-012 (Filed July 1, 2004)

Application of Pacific Gas and Electric Company (U 39 M) for Approval Of The 2005 California Alternate Rates for Energy and Low Income Energy Efficiency Programs and Budget.	Application 04-07-013 (Filed July 1, 2004)
IN THE MATTER of the Application SIERRA PACIFIC POWER COMPANY (U 903), for an Order Approving its 2005 California Alternate Rates for Energy (CARE) and Low Income Efficiency (LIEE) Plans and Budgets.	Application 04-07-014 (Filed July 1, 2004)
In the Matter of the Application of Avista Corporation for Approval of Program Year 2005 Low-Income Assistance Program Budgets.	Application 04-07-015 (Filed July 1, 2004)
In the Matter of the Application of the SOUTHERN CALIFORNIA WATER COMPANY (U 133 W) Regarding Low Income Assistance Programs for its Bear Valley Electric Service Customers for Program Year 2005.	Application 04-07-020 (Filed July 8, 2004)
Application of Alpine Natural Gas Operating Company No. 1 LLC in Compliance with Decision 03-12-016 (PY 2004 Low Income Energy Efficiency ("LIEE") and California Alternate Rates For Energy ("CARE") program Plans).	Application 04-07-027 (Filed July 2, 2004)
In the Matter of the Application of West Coast Gas Company (U-910-G) For Approval of Program Year 2005 Low-Income Assistance Program Budgets.	Application 04-07-050 (Filed July 29, 2004)

**ASSIGNED COMMISSIONER'S RULING DIRECTING THE
STANDARDIZATION TEAM TO WITHDRAW AND REFILE ITS PROPOSAL
RELATED TO PHASE 5 OF THE LOW INCOME ENERGY EFFICIENCY
STANDARDIZATION PROJECT**

In response to Joint Comments filed by the Bay Area Poverty Resource Council and the Association of California Community and Energy Services, and Joint Comments filed by the East Los Angeles Community Union and the Maravilla Foundation, I am issuing this ACR directing the withdrawal of the Joint Utilities Low Income Energy Efficiency Standardization Project Team's¹ January 18, 2005 proposal for changes to the Low Income Energy Efficiency program and related manuals. This ACR also requires the Team to hold workshops to receive input from interested parties and other members of the public.

In the Joint Comments, parties objected that the lack of public process in developing the proposal was inconsistent with the Commission and Assigned Commissioner's directives. In an Assigned Commissioner's Ruling dated October 22, 2004, then-Commissioner Carl Wood approved a workplan, budget and schedule for the fifth phase of the utilities' project to standardize the Low Income Energy Efficiency programs.

The workplan approved in that ruling provided for public workshops (one in Northern California and one in Southern California) to solicit input and answer questions related to the recommended changes. This is consistent with

¹ Standardization Team or Team.

various past directives from the Assigned Commissioner and the Commission for the utilities to confer with all other interested parties prior to submitting its recommendations. On January 18, 2005, the Standardization Team submitted its request for the approval of changes to the Low Income Energy Efficiency program and related manuals without, apparently, having held the workshops or taken any other steps to consult with other interested parties.

The East Los Angeles Community Union and the Maravilla Foundation proposed that the Commission direct the Team to withdraw its proposed Policy and Procedures changes and conduct workshops and/or other forums to solicit input from interested participants on proposed changes prior to resubmitting the proposal. In order to ensure full consideration of the concerns of public participants, these parties further asked the Commission to direct the Team to include the following with its recommendations:

1. Summary of the comments and recommendations of interested parties;
2. Final recommendations of the Standardization Team;
3. Discussion of the pros and cons of each policy alternative; and
4. For each alternative, the estimated impacts on services to low-income customers, relative to existing policies.
5. The impact estimates required under (4) above should be specific to low-income households within each of the utilities' service territory. The reports should show the impacts on low-income households within the service territory as a whole and also on low-income households located in rural areas. The data should be presented in a consistent manner across utilities.

I will direct the Standardization Team to withdraw its recommendations and undertake these further steps. The proposed additions to the report will help ensure that the Team fully considers and responds to public concerns. The Standardization Team should reconsider its proposals in light of public input and change its proposals, as appropriate, prior to refilling them with the Commission. The Team should develop a new schedule, enabling it to file a revised proposal at an early date.

The East Los Angeles Community Union and the Maravilla Foundation also argue that the failure of the Standardization Team to conduct all of its deliberations in public violates the Bagley-Keene Open Meetings Act (Government Code §§11120-11132) (Bagley-Keene). I am informed by counsel that the Standardization Team is not subject to Bagley Keene. However, the Team's failure to actively seek public input prior to submitting its proposals is inconsistent with the letter and spirit of the Commission's instructions.

It is my expectation, going forward, that the attendance at working sessions related to the standardization process will not be unnecessarily restricted. I ask our staff to do everything possible to facilitate an open and public process and to do nothing to restrict attendance.

IT IS SO RULED.

Dated March 25, 2005, at San Francisco, California.

/s/ DIAN GRUENEICH

Dian Grueneich
Assigned Commissioner

CERTIFICATE OF SERVICE

I certify that I have this day served a true copy of the original attached Assigned Commissioner's Ruling Directing the Standardization Team to Withdraw and Refile its Proposal Related to Phase 5 of the Low Income Energy Efficiency Standardization Project on all parties of record in this proceeding or their attorneys of record by electronic mail to those who provided electronic mail addresses, and by U.S. mail to those who did not provide electronic mail addresses.

Dated March 25, 2005, at San Francisco, California.

/s/ EVELYN GONZALES

Evelyn Gonzales

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.